

Art Unit: 1781

NOTICE OF ALLOWANCE

This application is in condition for allowance except for the presence of claims 98-108 directed to an invention non-elected without traverse. Accordingly, claims 98-108 have been cancelled.

The previous rejection of claims 82-86 under **35 U.S.C. §112, 2nd paragraph** and claims 75, 77, 82-83, 85-92 and 109 under **35 U.S.C. §103(a)** as being unpatentable over Bastin et al. (US 2002/0119939) has been withdrawn in light of Applicants' amendments and arguments filed 25 January 2011.

Claim 76 has been cancelled. **Claims 75, 77, 78, 82-97 and 109-119** are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone message from Jay Cinamon on March 22, 2011.

The application has been amended as follows:

Please cancel claims 98-108.

Claim 78:

The method according to claim 7[6]5, comprising introducing into said beverage a light stabilising composition that, if it contains caramelised material, exhibits an absorption ration A_{280/560} of at least 250.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is the inclusion of light stabilizing composition as presently claimed in a hop containing beverage or beer which is not found in the prior art references.

Bastin et al. (US 2002/0119939) discloses a method of making an aqueous oral solution for oral administration, i.e. beverage, by adding 1 to 150 mg/ml or about 0.1% to 15% by weight 2,5-deoxyfructosazine to a solution demineralized water, flavor and sweetener (Abstract, [0002], [0003], [0011], see wherein 10 ml of solution contains 100 mg deoxyfructosazine ([0022], [0032] and Claim 4). **Bastin et al.** disclose that the aqueous deoxyfructosazine solution is for pharmaceutical use wherein 2,5-deoxyfructosazine is known for its antidiabetic properties ([0002]-[0003]).

Bastin et al. does not disclose or suggest adding 2, 5-deoxyfructosazine to a hop containing beverage or beer. While **Bastin et al.** disclose adding 2, 5-deoxyfructosazine to an aqueous oral solution, i.e. beverage, **Bastin et al.** provides no motivation for adding an antidiabetic, including 2, 5-deoxyfructosazine to a hop containing beverage or beer

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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CORROSPONDANCE

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH GWARTNEY whose telephone number is (571)270-3874. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./

Examiner, Art Unit 1781

/Keith D. Hendricks/

Supervisory Patent Examiner, Art Unit 1781